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 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES  
 BY: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION

PLAN RIVER INVESTMENT, et al.,	)	No. CV 12-05590-UA (VBK)
	)	
Plaintiff,	)	ORDER SUMMARILY REMANDING
	)	IMPROPERLY-REMOVED ACTION
v.	)	
	)	
MARIO BARRIOS, et al.,	)	
	)	
Defendants.	)	
	)	

The Court will remand this "Complaint for Unlawful Detainer Post Foreclosure (Code of Civil Procedure § 1161a) Amount Demanded Does Not Exceed \$10,000.00", Case No. 12 U00515, to state court summarily because Defendant removed it improperly.

On June 27, 2012, Defendant Flor De Evora, who is not a named party in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in

1 federal court in the first place, in that Defendant does not  
2 competently allege facts supplying either diversity or federal-  
3 question jurisdiction, and therefore removal is improper. 28 U.S.C.  
4 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.  
5 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete  
6 diversity of citizenship exists, the amount in controversy does not  
7 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.  
8 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint  
9 recites that the amount in controversy does not exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal  
11 legal question. See 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to  
13 the Superior Court of California, Los Angeles County, West Covina  
14 Courthouse, 1427 West Covina Parkway, West Covina, California 91790  
15 for lack of subject matter jurisdiction pursuant to 28 U.S.C.  
16 § 1447(c); (2) that the Clerk send a certified copy of this Order to  
17 the state court; and (3) that the Clerk serve copies of this Order on  
18 the parties.

19 **IT IS SO ORDERED.**

20  
21 DATED: July 6, 2012

A B Collins  
HONORABLE AUDREY B. COLLINS  
CHIEF UNITED STATES DISTRICT JUDGE